



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF
ENVIRONMENT, GREAT LAKES, AND ENERGY
LANSING DISTRICT OFFICE



LIESL EICHLER CLARK
DIRECTOR

April 16, 2020

Mr. Scott Wright
Diamond Chrome Plating
604 South Michigan Avenue
Howell, Michigan 48843-2605

Dear Mr. Wright:

SUBJECT: Violation Notice (VN) – Hazardous Waste (HW) Inspection
Diamond Chrome Plating (DCP); in Livingston County
Site Identification Number MID 005 344 973
Waste Data System Number 393322
First Amended Consent Decree (FACD)
Ingham County Circuit Court Docket No. 03-1862-CE
Hazardous Waste Management Plan (HWMP) Denial

On February 28, 2020, staff of the Department of Environment, Great Lakes, and Energy (EGLE), Materials Management Division (MMD), conducted an announced and focused compliance inspection of DCP, located at 604 South Michigan Avenue, in Howell, Michigan (Facility). The purpose of the inspection was to evaluate DCP's compliance with Part 111, Hazardous Waste Management, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA); Part 121, Liquid Industrial By-Products, of the NREPA; the corresponding requirements under Subtitle C of the federal Resource Conservation and Recovery Act of 1976, as amended (RCRA); and any administrative rules or regulations promulgated pursuant to these acts; as well as DCP's 2015 FACD. MMD also evaluated DCP's HWMP, submitted on September 24, 2016. A copy of the completed inspection forms can be obtained by contacting this office.

As a result of the February 28, 2020, inspection, the MMD determined that DCP is in violation of Part 111, RCRA, and the rules or regulated promulgated thereunder, at the Facility as described below:

Facility Maintained/Operated to Minimize Releases

1. Large quantity generators of HW must "be maintained and operated to minimize the possibility of fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment." This includes so that HW "cannot escape by gravity into the soil, directly or indirectly, into surface or groundwaters, or into drains..." (Rule 306(1)(d) and (f): Title 40 of the Code of Federal Regulations (CFR), Subpart C, 265.31 and Section 5.2(a) of the FACD).

During the February 28, 2020, inspection, MMD staff observed DCP's pit logs that documented DCP stored corrosive and toxic HW in up to thirteen (13) pits, without secondary containment and without primary containment that would allow for releases of HW to be addressed immediately.

Tank and Pit Requirements for Storing, Collecting, and Managing HW

The MMD determined that there are at least two (2) above ground tanks and 13 pits with ancillary equipment, including sumps, that do not meet the minimum requirements for storing, collecting, and managing HW. The specific requirements that MMD has determined DCP failed to meet are discussed in further detail below, each of which constitutes a violation. Each of the following are the specific requirements of Part 111, Rule 306(1) and Rule 503(1), some of which have additional references listed in parentheses referring to the technical standards in RCRA or additional Part 111 requirements:

2. EXISTING TANK SYSTEMS – Tanks with documentation that they were put into service before July 14, 1986, must have an assessment made and must be certified by an independent engineer. (Part 111, Rule 615; RCRA 40 CFR, Section 265.191.)
3. NEW TANK ASSESSMENT / TANK SYSTEMS – Tanks put into place after July 14, 1986, must have a written assessment, certified by an independent qualified registered professional engineer (PE) (RCRA, Section 270.11(d)), including design standards and considerations and hazard characteristics. DCP has not submitted such an assessment. (RCRA 40 CFR, Sections 265.192(a)(1-5))
4. INCOMPATIBILITY – DCP generates HW containing cyanide, and some of the HW is stored in pits, which could cause chemical reaction releasing hydrogen cyanide gas. (RCRA 40 CFR, Section 265.198)
5. LEAK DETECTION EQUIPMENT – DCP does not have a leak detection system designed to detect leaks within 24 hours. (RCRA 40 CFR, Section 265.193(c)(3))
6. ANCILLARY EQUIPMENT – Ancillary equipment and piping must have secondary containment and it must have tightness (leak detection) testing. (RCRA 40 CFR, Sections 265.192(d) and 265.193(f))
7. DAILY INSPECTIONS – HW tanks must be inspected daily for leaks, deterioration and releases; including leak detection equipment such as cathodic protection. (RCRA 40 CFR, Section 265.195(b) and (c))
8. CONTAINMENT AND DETECTION OF RELEASES – DCP's 13 pits do not have secondary containment with release/leachate withdrawal systems. In addition, these containments must meet the technical requirements set forth in 40 CFR, Section 265.193, including, but not limited to, certification by a qualified third party PE. (RCRA 40 CFR, Section 265.193)
9. RESPONSE TO RELEASES AND HW TANK CLOSURE – DCP had releases from several of the HW pits and failed to cease use of the tank, remove waste within 24 hours, prevent release to groundwater, notify the administrator within 24 hours, close

the tank, remove contaminated debris, and repair or replace the tank with third party qualified engineer certification. (RCRA 40 CFR, Sections 265.196 and 265.197).

10. DAILY TANK INSPECTIONS – DCP does not have a method to inspect the outside of the inground tanks for leaks. (RCRA 40 CFR, Section 265.195(a)(4).)

11. TANKS LABELED – DCP's HW above ground and below grade tanks were not labeled with the words "HAZARDOUS WASTE". (RCRA 40 CFR, Section 262.34(a)(3))

Denial of HWMP

As part of the February 28, 2020, inspection, MMD staff reviewed DCP's September 24, 2016, draft HWMP. MMD determined that DCP failed to address storage of HW in accordance with Part 111 for the 13 pits and 2 above ground tanks. MMD acknowledges that during the February 28, 2020, inspection DCP and BB&E staff said that DCP was already in the process of revising the HWMP and conducting changes in the management of HW. Specifically, MMD acknowledges DCP had taken an initial HW management step by pumping HW directly into containers (totes & then above ground tanks) and maintaining the pits dry for nearly 2 weeks leading up to the February 28, 2020, inspection.

DCP must submit an updated HWMP with corrections. The FACD allows MMD to require an updated HWMP within 30 days, but due to ongoing remediation action, Covid-19, etc., MMD requests the updated HWMP be submitted within 90 days of this letter.

Please note that the DCP Plan for Eventual Closure, dated September 2019, is also currently under review by EGLE's MMD and Remediation and Redevelopment Division.

Additional Issues

While not specific violations, the following additional issues were also identified by MMD staff during the course of the inspection. This information is provided either to assist DCP in maintaining compliance, avoid future noncompliance, or request additional information necessary to make a compliance determination.

- A. HYDROFLUORIC ACID SECURITY – During the inspection, MMD staff recommended hydrofluoric acid security, in a locked cabinet with ventilation. This storage recommendation is also listed on the chemical safety label. Please explain how DCP will ensure that concentrated hydrofluoric acid is secured.
- B. STORAGE OF ACIDS & BASES – MMD staff observed that acids and bases are stored in the same racks, with bases stored directly above acids. Although these are not regulated as wastes, MMD recommends a best management practice to segregate basic chemicals from incompatible acid chemical containers.

Requested Action

MMD requests a phone or video meeting with DCP and BB&E to discuss immediate actions, interim measures, and for a work plan to ultimately resolve the aforementioned violations. *Please contact me within ten (10) calendar days of receipt of this letter to coordinate a mutually agreeable date and time for discussion.*

In the interim, DCP should immediately initiate any actions specified above, and other actions necessary, to correct the cited violations. At a minimum, DCP should immediately cease using the pits at the Facility for storage or containment of any HW. Longer term action to resolve the violations should include, at a minimum 1) use of alternative system for storing and containment of HW that is compliant with Part 111, RCRA, and the rules and regulations promulgated thereunder; 2) a third party professional engineering evaluation of the tanks, pits, and secondary containment of tanks at the Facility; and 3) scheduled replacement of tanks and pits at the Facility deemed necessary by the third party professional engineering evaluation.

This VN does not preclude, nor limit, EGLE's ability to initiate any other enforcement action under state or federal law, as deemed appropriate. Failure to correct the cited violations may result in EGLE escalating administrative or civil enforcement and/or enforcement of the provisions of the FACD.

For more information, guidance, and training on HW and liquid industrial by-products, go to Michigan.gov/EHSGuide (click on Chapter 2) or Michigan.gov/DEQEVENTS or Michigan.gov (in search box type "Hazardous Waste Webinars").

EGLE anticipates and appreciates your cooperation in resolving these matters. If you have any questions, please feel free to contact me at the telephone number below, or by e-mail at GrochowskiB@Michigan.gov.

Sincerely,



Bryan M. Grochowski
Senior Environmental Quality Analyst
Lansing District Office
Material Management Division
517-243-0499

Enclosures

cc: Mr. Todd C. Fracassi, Pepper Hamilton LLP
Ms. Celeste Holtz, BB&E
Mr. Jim Colmer, BB&E
Ms. Melinda Shine, EGLE
Mr. Larry Bean, EGLE
Ms. Rebecca Taylor, EGLE
Ms. Carla Davidson, EGLE
Mr. Dan McGeen, EGLE